

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Society of Lloyds,)	
)	
Plaintiff,)	Case No. 1:04-CV-94
)	
vs.)	
)	
Stephen Arthur Dohme,)	
et al.,)	
)	
Defendants.)	

Order (Including Order to Show Cause)

This matter is before the Court upon four motions: Plaintiff's motion for summary judgment (Doc. 20); the motion of Defendants Dohme and Westerkamp for summary judgment with respect to the applicable conversion rate (Doc. 29); a motion by Plaintiff to strike the reply memorandum in support of that motion filed by Defendant Westerkamp and former Defendants Berger and Hauck (Doc. 42); and the joint motion of Plaintiff and Defendant Westerkamp to sever and stay in contemplation of settlement completion and ensuing dismissal (Doc. 61).

For good cause shown, the joint motion of Plaintiff and Defendant Westerkamp to sever and stay (Doc. 61) is hereby **GRANTED**. Plaintiff's claims against Defendant Westerkamp are hereby **SEVERED** from Plaintiff's claims against Defendants Dohme and Whitehouse, pursuant to Rule 21 of the Federal Rules of Civil Procedure. All proceedings with respect to Plaintiff's claims

against Defendant Westerkamp are **STAYED** until September 30, 2005, or such earlier date as those parties file a stipulation of dismissal with respect to those claims.

Neither Defendant Dohme nor Defendant Whitehouse has filed a memorandum in opposition to Plaintiff's motion for summary judgment, and the deadline for the filing of memoranda in opposition, extended by the Court to June 27, 2005, has passed. The Court hereby **ORDERS** Defendants Dohme and Whitehouse to **SHOW CAUSE**, on or before July 15, 2005, for the denial of Plaintiff's motion. In the event that either Defendant timely complies with this order, Plaintiff may file a reply memorandum on or before July 29, 2005. In the event that neither Defendant Dohme nor Defendant Whitehouse timely complies, this Court will consider Plaintiff's motion as unopposed.

Plaintiff's motion to strike the reply memorandum of Defendant Westerkamp and former Defendants Berger and Hauck in support of the motion for summary judgment with respect to the applicable conversion rate (Doc. 42) is **MOOT**. Plaintiff has now settled its claims against those three Defendants. The Court will not consider their reply memorandum when it rules upon the motion for summary judgment, which is now asserted by Defendant Dohme only. The Court recognizes that the reply memorandum was not filed on Defendant Dohme's behalf. The Court will consider Defendant Dohme's motion for summary judgment with respect to the

applicable conversion rate when all of the memoranda with respect to Plaintiff's motion for summary judgment have been filed.

IT IS SO ORDERED.

/s/
Sandra S. Beckwith, Chief Judge
United States District Court